

MIKE SHAYNE

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SEPTEMBER, 1966

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NEW MIKE SHAYNE SHORT NOVEL

KICK OF DEATH

by BRETT HALLIDAY

It was a deadly masquerade they played, the kid who wanted kicks and the ex-con who was his double. Somehow Mike Shayne must crack the grim riddle of the dead boy—who still went to school.

..... 2 to 55

BRILLIANT NEW NOVELET

THEY MET FOR MURDER

JAMES O'CONNOR SARGENT 62

FEATURED SHORT STORY

WHO'S AFRAID OF KATHERINE MANSFIELD?

WALTER SNOW 84

EXCITING NEW STORIES

THE RANSACKED ROOM

JOSEPH PAYNE BRENNAN 56

THE GAP IN THE FENCE

FRED S. TOBEY 102

SOME PEOPLE KILL PEOPLE

MICHAEL AVALLONE 116

SPEAKING OF MURDER

JACK RITCHIE 127

MR. WONG AND THE CLUMSY WAITER

DAN ROSS 139



LEO MARGULIES

Publisher

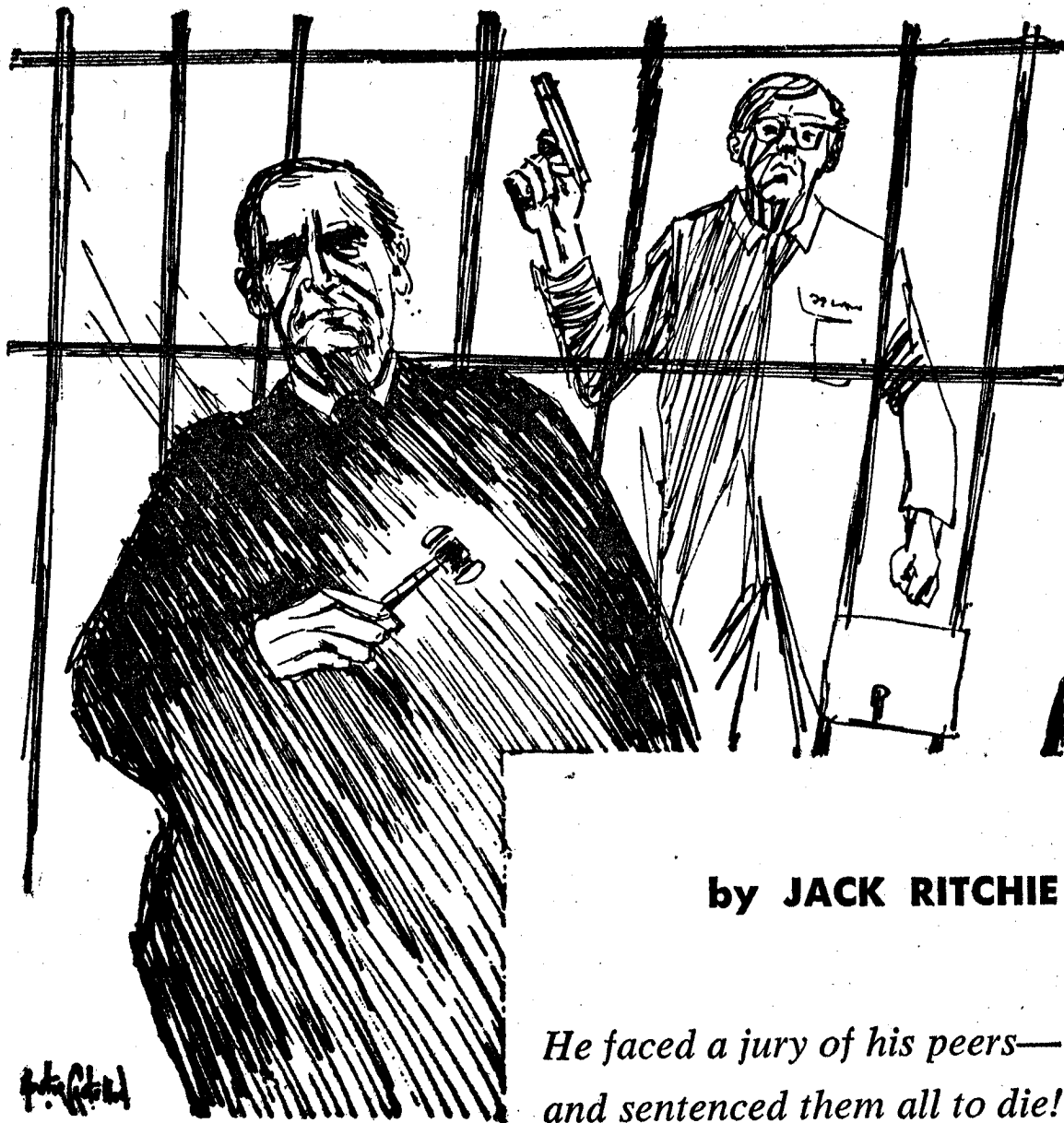
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by JACK RITCHIE

*He faced a jury of his peers—
and sentenced them all to die!*

Speaking of Murder

HAVE YOU any statement to make before I pass sentence?" Judge Carson asked.

"I have," Daniel Webbley said. "I hereby declare that I intend to

kill each and every member of the jury."

There was, of course, a collective gasp from the courtroom. I closed my eyes. When I opened them

again, I discovered that the alternate juror had turned pale.

He swallowed. "Am I included in that too, Mr. Webbley?"

Daniel ignored him and fixed his attention on the judge. "And naturally I am going to dispose of you also, Your Honor."

Carson banged his gavel until order was restored. He regarded Webbley with judicial severity. "Don't you realize that you can get into serious trouble if you go around making threats like that?" Then he frowned at me. "Counselor, haven't you any control over the defendant?"

I cleared my throat. "If you'll allow me a moment, sir, I'd like to speak to my client."

The judge nodded and I pulled at Webbley's sleeve until he sat down.

I whispered into his ear. "Why the hell did you have to say something like that now? Couldn't you at least have waited until after he sentenced you?"

"They don't allow you to make any statements after," Webbley said. "It was now or never."

"But you've got to apologize immediately or Judge Carson will undoubtedly give you the maximum sentence."

Webbley shrugged. "Even the minimum sentence will put me away for the rest of my days. I'm not exactly a spring chicken, you know."

There was a certain logic to that.

But I said, "What about your chances for parole? How will something like this look in your records?"

He smiled patiently. "I won't be eligible for a parole for quite a few years to come. I am not waiting with bated breath."

On the bench, Judge Carson tapped his gavel once lightly. "Are you two about finished?"

Webbley stood up. "You may continue with the sentencing."

"Thank you," Carson said dryly. But he waited a few moments more and then frowned. "I thought I might hear an apology."

"No," Webbley said. "No apology."

Carson studied him. "I suppose you intend to escape from prison and put your threats into execution?"

"Perhaps."

"Only perhaps? But surely you have to be out of jail in order to carry out your little murders?"

"I would prefer it that way, of course," Daniel Webbley said. "However my presence is not at all necessary. I have already made arrangements with someone who is an expert in arranging—ah—accidents and natural deaths." He smiled widely and winked.

Carson rubbed the back of his neck. "Don't you think you received a fair trial?"

Webbley shrugged. "I have no complaints."

"Then why do you insist upon

murdering all these good people?"

"I have nothing against them personally," Webbley said. "It is simply that they represent society and society has rejected me."

Carson sighed. "Well, in that case, I might just as well get on with the sentencing."

Daniel Webbley received the maximum term the law provided.

I managed to talk to Webbley alone in an anteroom before he was to be taken away.

"We'll appeal," I said.

Webbley was faintly puzzled. "On what grounds? It seems to me that everything was absolutely proper."

"Never mind what grounds. A good lawyer can always make his own grounds." A thought came to me. "I might work on the prejudice theme. After you threatened his life, Carson couldn't have been entirely objective when he sentenced you."

Webbley patted my shoulder. "Now don't take all this too hard. I'm nearly sixty years old and I've spent close to thirty of those years behind bars. The winters are getting colder and longer outside and I almost feel like I'm going home. Most of my friends my age are in the big place now and they got light duty and regular meals and none of them are complaining too hard."

Webbley sighed. "You know, Ferguson, I haven't led too bad a life, all in all. Never harmed anybody."

"But unfortunately you steal."

He corrected me. "I embezzle. I concentrate upon greedy and soulless corporations."

"If you're so satisfied by the way things turned out," I said, "Why in the world did you have to threaten Carson and the jury? For the publicity? You have no intention of killing them, do you?"

Webbley had moved to the barred window. Now he stared intently downward. "Damn it," he snapped. "She never did learn how to handle that car."

I stepped beside him and looked down. A young lady with brilliant blonde hair seemed to be having trouble getting her convertible out of a street parking space. After a few bumper contacts, front and back, she finally managed to steer the car into traffic and drove off.

"Who was that?" I asked.

Webbley left the window. "You know, there's only one thing I really hate about prison. Stewed tomatoes. If someday you happen to see the Governor, could you get him to do something about that?"

IT WAS AN evening some six weeks later when Judge Carson approached me at the Lawyers' Club.

"Just read in the paper that McIntyre and Williams died," he said. "Airplane accident."

I searched my mind. "McIntyre? Is that the McIntyre of McIntyre, Schultz, and—"

Carson shook his head. "No. I

mean the McIntyre who served on the jury which convicted Daniel Webbley."

"Oh," I said. "That McIntyre." I thought further. "And that Williams?"

"Precisely."

"Oh," I said again and pulled on my pipe. "How did McIntyre and Williams both happen to be on the same plane?"

"It was McIntyre's private plane. He and Williams got acquainted while they were on jury duty and apparently hit it off. They were off across country on a hunting trip when the plane got caught in an unexpected and violent thunderstorm. Rammed into the side of a mountain and exploded."

"Hm," I said. "It exploded after it plowed into this mountain? Or before?"

"Nobody seems to know."

"But these aeronautics people who investigate these crashes are really clever about these things. Surely they can tell by an examination of the wreckage whether the explosion occurred before or after?"

"The airplane—and I might add, McIntyre and Williams too—was scattered over a considerable area. All of it snow covered."

"But when the snow melts—?"

"Up there the snow never melts."

I cleared my throat. "Have you brought this to the attention of the police?"

"Police?" He forced a laugh. "What would be the point of that? They might think I'm just a jittery judge long over-due for retirement."

"Quite right," I said. "The only thing to do is just sit and wait for further developments, if any."

Carson's voice became a bit testy. "That's easy for you to say. You weren't threatened." He pulled himself together. "Of course. Probably nothing to the whole thing. I'll sit and wait."

I changed the subject. "By the way, I hear that your class is having a reunion next week. I suppose you'll be flying out to the coast?"

"No," Carson said, "I'm taking the train."

Three months later, Carson appeared at my office at a little after nine-thirty in the morning.

"Have you read this morning's newspaper?" he asked.

I nodded. "The way things are going in Viet Nam—"

He shook his head impatiently. "I mean on page twenty-six, upper right hand corner." He lay a compactly folded section of the newspaper on my desk. The item he indicated had been encircled by pencil.

I read two sentences and then looked up. "Hennecker? Was he a member of the jury too?"

Carson nodded.

I continued reading. It seemed that last night had been Halloween and Hennecker had been walking



home from work, as was his custom, when a group of fiercely-costumed children had suddenly sprung from the darkness screeching terribly in an effort to frighten him.

They had succeeded.

Hennecker had fallen dead of a heart attack and the children had scattered and run off.

I looked up. "Just one of those things. It mentions that he had a history of heart trouble."

Judge Carson smiled without humor. "How do we know they were all children?"

I began to see the direction his mind was taking.

"Ah," I said, "You mean that one of them was a midget?"

He blinked. "Well, I was thinking that perhaps a small adult who knew about Hennecker's heart

condition—" He rubbed his chin. "A midget? That is a possibility, of course."

I frowned. "Why haven't the police become suspicious on their own? Without prodding from us, I mean? Or the newspapers? Or even the members of the jury themselves?"

"In the first place, it's been some time since Webbley was sent to prison," Carson said. "In the second, all of these deaths are back-page, listed as accidental, one way or another. And in the third, I doubt very much whether the jury members now remember who else was on the panel, much less the newspapers or the police. I think Webbley's threat wasn't taken seriously by anybody and is now all but totally forgotten, never to be revived unless he should manage to escape."

I sighed. "What I can't understand is why did Webbley have to get up in a courtroom and publicly announce that he was going to kill a judge and a jury? If that was his intention, why couldn't he just have kept his mouth shut and quietly killed them all and no one the wiser?"

Carson brightened a bit as he was struck with an idea. "Why don't you go and see Webbley? Talk to him. Reason with him. Tell him to cease and desist."

"But we aren't absolutely certain that he's responsible for those deaths. Besides, I think it would be

more in order if you talked to Webbley. You have a more direct interest in this affair."

Carson shook his head. "He might possibly think of me as an enemy. But you are his friend, his defense counsel. I wish you would point out to him that it was the jury which found him guilty. I am simply an employee of the State and had to sentence him as a matter of course. No hard feelings intended."

"Yes, sir," I said. "I'll tell him you don't care what happens to the jury, but—"

Carson glared at me. "Let me remind you that you will undoubtedly appear in my courtroom from time to time in the future. It might behoove you not to antagonize—"

"Yes, sir," I said, "I'll see Webbley right away."

At the state prison that afternoon, Warden Tassett arranged for me to see Webbley alone.

Webbley seemed of good color and cheer. "Well, hello, Mr. Ferguson. Nice to see you again."

I came directly to the point. "You do know about McIntyre, Williams, and Hennecker, don't you?"

He nodded. "Guess I do."

I paused to think. How did he know that McIntyre, Williams, and Hennecker were dead? According to Warden Tassett, Webbley had received no visitors or letters since he had been brought here. And no prisoner is allowed a newspaper. There was the prison radio, of

course, but it broadcast only the patently important news. It would never stoop to an apparently insignificant item that might be found on page 26. Did Webbley have some direct contact with his hired assassin?

Perhaps Webbley read my mind. He smiled faintly. "I sweep out the guards' day room every morning. There are always newspapers around and I usually get a chance to read one or two."

"Ah," I said. "So you were watching for those names to appear. That's practically an admission that you had something to do with the deaths."

He seemed a little curious. "Suppose I did admit that I had McIntyre, Williams, and Hennecker murdered? What would happen to me?"

"You would be tried for murder and found guilty."

He smiled again. "We don't have the death penalty in this state, do we?"

"Well—no."

"And so then what could happen to me?"

I began to see his point. "You'd be sent to jail."

He clicked his tongue. "That bad, huh?"

I flushed. "Now see here, you just can't go about directing murder from this place . . ."

"Why not?"

A sudden lightning thought descended upon me.

I said triumphantly, "I see through the entire thing."

"You do?"

"Of course. This is your idea of a joke. In bad taste, but a joke nevertheless. You never had any intention of killing anybody at all."

"And how do you figure that?"

"It suddenly occurs to me that the jury was all male and rather elderly."

"Is that so?"

"And Judge Carson, though spry, is in his seventies."

"He doesn't look a day over sixty."

"And you are aware that the average life span of the American male is at present approximately seventy years."

"So?"

"So the chances were pretty good that Carson and/or some of the jurors were going to pass on during the next few years." I was elated. "By George, I should have thought of it before. The jury commences to die naturally or accidentally and you take the credit. And furthermore you throw those still surviving into a state of anxiety and fear."

He sighed. "So now you know everything?"

"Of course," I said. "I have an analytical mind. And besides, you didn't have any money."

"I didn't?"

"No," I said happily. "The court appointed me your attorney because you claimed to be destitute."

"Come to think of it, I did, didn't I?"

"Certainly. And so if you had arranged with some people to murder for you, you would certainly have had to have money to hire them."

"Of course I would have had to," he said admiringly. "Fine deductive thinking."

"Thank you," I said. "Hired killers cost money. I doubt very much if a friend might do the murders for you."

"Not even a good friend?"

"Well, possibly a good friend might murder one or two people. But thirteen?" I laughed. "Come now, let's be reasonable. Even a close relative would kill no more than three or four."

"How right you are," he said. "You have an absolutely keen mind. Brilliant."

I smiled for a few moments, but then upon reflection, I stopped. He was pouring it on too thick.

In Warden Tassett's office, I asked access to the information in Webbley's file.

Tassett extracted the bulky contents from the boxed file. "Webbley has spent quite a bit of time with us. Always with good behavior, though." He glanced at a sheet. "First time he came here was forty years ago. According to his admission sheet, he was reared in an orphanage. No known relatives."

I was a bit disappointed. "Well, that takes care of that."

Tassett hummed his way through a section of the stack of records. "Ah, what do we have here? It seems that when Webbley returned to us for the fourth time fourteen years later, he had a wife and a six-month-old daughter." Tassett turned a page. "Webbley's wife died three months later."

"What happened to the daughter?"

"There seems to be quite a bit of correspondence here about that—the gist of which is that since Webbley was at the beginning of a seven-year stretch, he obviously was in no position to take care of her. He had her put up for adoption. Her name was Diana Charlotte Webbley."

"Ah," I said. "Who adopted her?"

"Doesn't say here. Except that the whole thing was handled through the Whitman Foundation."

"What's Diana's description?"

Tassett consulted a sheet. "She weighed seventeen pounds, three ounces. Length, thirty inches."

"Never mind that," I said. "She's probably changed by now."

Tassett agreed. "But her eyes were blue. Maybe that'll help."

When I returned to Judge Carson, I passed on my information and my speculations.

He frowned. "That girl you mentioned who had trouble unparking her convertible. Were her eyes blue?"

"I was much too far away to see,

but she did have blonde hair and so I imagine it's a good bet they were. Should we take what information we have to the police?"

Carson rubbed his neck. "The devil of the thing is that we still have no concrete evidence that Webbley is behind the deaths of McIntyre, Williams, and Hennecker. Why don't you go over to this Whitman Foundation and pursue the next logical step?"

I found the Whitman Foundation on the east side. It was housed in a rather tired brick building. The cornerstone indicated that the physical structure, at least, had been initiated in 1896.

Inside I was channeled up some well-worn wooden stairs to the office of a Miss Theodora Parker, who appeared to be the pinnacle of the small administrative pyramid. She was dark-haired, dark-eyed, and in her early thirties.

"Miss Parker," I said, "I'm looking for the whereabouts of an adoption handled by your agency in nineteen thirty-eight. The child's name was Diana Charlotte Webbley."

Theodora Parker smiled firmly and negatively. "I'm sorry, but our foundation is not allowed to release any information whatsoever regarding adoptions. We are dedicated to silence. There is no power on earth that can move us from this established policy."

"How about a court order?" I asked.

She regarded me coldly. "That is different, I suppose. Do you have one?"

"No, but I can get one."

She smiled again. "Please do."

I stared aggressively into those dark eyes for about fifteen seconds and then retreated. "Let me put it this way, Miss Parker. Why not eliminate all the red tape? Why don't you just phone Judge Alonzo Carson and ask him if he can get a court order? If he is forced to, I am sure he will."

Theodora Parker folded her hands. "He will be forced to. A mere telephone conversation is not sufficient authorization."

She remained quite adamant and since it was late in the afternoon, there was nothing for me to do but wait until the next morning, when I reappeared with the necessary court order.

Theodora Parker studied the paper. "Just why do you want to see the Webbley adoption papers?"

"Doesn't it say so on the court order?"

"No."

Today it was my turn to smile. I did—and said nothing.

She flushed slightly, but sent her secretary to the vault. When the file was put on her desk and opened, she raised an impressed eyebrow. "Diana Charlotte Webbley was adopted by the James T. Fellenbergs. Of the Fellenberg Breweries, you know."

I whistled. "Good Heavens,

they're as wealthy as beer barons."

I pondered the information. I knew the Fellenberg family. Not intimately, of course, but two or three times a year our peripheries touched momentarily at the common ground of some civic-charity dinner. Diana—or Loretta, as the Fellenbergs called their only child—was now a happily married young matron with two children of her own. Not only that, but she had married Terrence McHugh, our new senator.

Could Loretta be responsible for the deaths of McIntyre, Williams, and Hennecker? Well, for one thing, she wasn't a blonde, though I suppose that one could dye one's hair on occasion. More important was the fact that I knew that she did not know how to drive a car. Not at all.

That afternoon I went to see Webbley again.

"Webbley," I said sternly, "We have your natural-born daughter, Helga-Marie Antoinette Barbarossa, under lock and key charged with first degree murder. On three counts."

He blinked. "Helga-Marie Antoinette Barbarosa?"

I nodded. "Her seven children have been transferred to the county detention home. Ordinarily, I suppose the authorities would have left them with her husband, Ludwig. Unfortunately Ludwig disappeared after the last child was born."

Webbley's mouth had opened slightly. "Seven?" Then he seemed to recover. "Now look here, Ferguson, Helga-Marie had absolutely nothing to do with those deaths. They were entirely natural or accidental. I was merely depending upon the natural attrition of time to create the impression of murder in order to—" He stopped.

I finished the context of the sentence for him. "In order to find your daughter?"

He smiled faintly and decided to make a few admissions. "When I was paroled back in nineteen forty-three, I tried to find my daughter, but I ran up against an official stone wall. It wasn't until recently, at the trial, that it suddenly came to me that there was one way I could find her." The faint smile widened.

"Suppose that I arranged things so that she was suspected of murder? Especially mass murder? Then wouldn't the police tear down all the secrecy to discover who and where she was?"

"You were willing to have her arrested by the police? Possibly sent to prison?"

He waved that aside. "She would have been in absolutely no danger of going to jail. There is no proof that anyone was murdered, much less that she could be responsible. The police would have just questioned her and revealed her identity."

"But why, after all these years,

did you suddenly decide you wanted to see her again?"

He shrugged. "Here I was at the end of the road and I was just—well, curious."

"Oh? Just curious?"

"Of course."

I shook my head. "Webbley, you do not strike me as a thoughtless man. And so as a thoughtful one, surely you must have realized what you would be doing to her. Suppose her adoptive parents had never told her that she was not their own child? Discovering that could be quite a shock. And how would she feel upon learning that her real father is an embezzler who has been put into prison for the rest of his days?"

He hung his head, but not too convincingly.

"I guess I was just thoughtless after all."

"No, Webbley," I said. "I believe that you did think of these things. But you decided that she would forgive you anyway. And I can think of only one reason why you could expect her to. And that reason is money."

Webbley's eyes formed a protective blank. "I don't know what you mean."

"You lied to the court," I said. "You are not destitute."

Webbley said nothing.

"Webbley," I said, "Your lost daughter's name is not Helga-Marie Antoinette Barbarosa."

That cornered his attention im-

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mediately. "No? Then what is it?"

"I won't tell you."

After a few ruminative moments, he glared. "But you do know who my daughter is? Or do you?"

"I do. However I think that you'd be doing her more harm than good by letting the world know that you're her father."

He struggled with new thoughts for half a minute and then seemed to come to a decision. "Who else besides you knows who she is?"

"Nobody, actually. I'm the only person who knows the connection between her and a Webbley who happens to be in prison."

"Not the police?"

"No."

He sighed. "Maybe it's better this way, after all. I don't want to cause her any trouble if I can help it. I just want her to have the money. She doesn't need to know that I exist."

He studied me. "You were right, Fergusson. It's money and a lot of it. I was never one of the big spenders and so it accumulated through the years. I want you to see that she gets it, but I don't want her to know it's from me. Invent an uncle or some lost stocks or something. I'll leave the details up to you. You get ten percent for handling it."

"Ten percent of what?"

"Three hundred thousand dollars."

I was impressed.

"You're the only person outside the walls I trust," Webbley said.

"Thank you. Do you want to leave any part of the money to that blonde who 'never did learn how to handle a car?'"

He grinned. "Never saw her before in my life. I just wanted to plant a little memory in your mind and get it pointed in the right direction."

Webbley gave me directions for finding a safety deposit box key he had concealed in the basement of an apartment building. I retrieved it, went to the bank, and opened the box which contained three hundred thousand dollars.

It was an impressive amount of money. Even for a Fellenberg, I thought. But did it really belong to Diana-Loretta?

Did it actually belong to anybody?

I stared at it for a long time. I perspired a bit.

And then I transferred it to my own safety deposit box.

I went back to Judge Carson and told him what I wanted him to know. I did not tell him about the money.

He digested my information. "So all Carson was really trying to do was scare us to death? Nothing more?"

"Nothing more," I said. "He had no other motive."

The judge seemed satisfied. "I don't suppose there's any point then in exposing the fact that Lo-

retta Fellenberg is really Diana Webbley?"

"None at all."

It was April when I once again stopped at the excavation next to the Whitman Foundation and watched the work which was in progress.

The men seemed busy, except for one rather loutish fellow who lounged about directly below me. I had been keeping my eye on him for some days now.

I felt impelled to speak.

"My dear sir," I said. "If you are simply a spectator, perhaps you would care to join me up here and we can both do the watching."

He scowled. "What's the matter, mister? You paying for this job?"

I felt inclined to tell him. Very strongly inclined. But my three hundred thousand dollar gift to the Whitman Foundation Building Fund would have to remain anonymous.

I remained where I was for six minutes more and then at precisely five eleven, happened to be passing the front door of the old Whitman Foundation building just as Theodora Parker exited.

I tipped my hat. "My, what a coincidence."

And so we went to dinner once again.



Complete in the Next Issue

THE HOARY GAMBIT

A New Dramatic Novelet

by **ROBERT W. ALEXANDER**

*It was a house of hate and evil, and
Murder was an unseen, unwelcome guest.
Soon, before dawn, he must be trapped,
or another would die hard in the night.*

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